REMARKS

Claims 1-16 are pending. Upon entry of the present amendment, claims 1-5 and 7-21 will be pending, claims 1, 5, and 7-14 having been amended, claims 17-21 added, and claim 6 canceled in the present amendment.

101 Double Patenting Rejection

Claims 1-16 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as claims 1-3, 6-11, and 13-19 of co-pending Application No. 10/625,596. Applicant will address the rejection when this application is allowed.

103(a) Rejections over Gannaway in view of Lousig-Nont

Claims 1, 4, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gannaway (US 4,773,860) in view of Lousig-Nont (US 4,358,279). Applicant traverses the rejections.

Claim 1 as amended is directed to a method including, *inter alia*, detecting a filled-in geometric shape from capture data. This method advantageously simplifies data capture and processing of a paper form.

In contrast, Gannaway provides a plurality of contact switches underlying multiple choice answers, where the switches are activated by a probe. See, e.g., Gannaway, col. 5, lines 38-42. Lousig-Nont detects a mark made by a test-taker on a score sheet, determines in which answer category (graphically represented by shapes) the mark was made, and tallies the number of answers in each category according to the number of times a mark is made in each category's representative shape. See, e.g., Lousig-Nont, Fig. 4, col. 25, lines 25-38. Neither Gannaway nor Lousig-Nont disclose the claimed detection.

Claim 14 as amended is directed to a system including a processor that detects a shape from capture data and converts the detected shape to a questionnaire answer. Neither Gannaway nor Lousig-Nont disclose the claimed detection and conversion.

For at least the reasons stated above, claims 1, 14, and their respective dependent claims patentably distinguish over the cited references.

Withdrawal of the rejections is therefore requested.

103(a) Rejections over Gannaway in view of Lousig-Nont in view of Yoshino

Claims 2, 3, 5-9, 11-13, 15, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gannaway in view of Lousig-Nont as applied to claims 1, 4, and 14, and further in view of Yoshino (US 6,618,504). Applicant traverses the rejections.

The deficiencies of Gannaway and Lousig-Nont are not corrected by Yoshino because Yoshino also fails to detect a filled-in geometric shape from capture data, as in claim 1. Yoshino further fails to convert the shape to an answer to a question, as in claims 5 and 14. Instead, Yoshino detects and recognizes handwritten characters. See, e.g., Yoshino, Abstract.

For at least these reasons, claims 1, 5, 14, and their respective dependent claims patentably distinguish over the cited references.

Withdrawal of the rejections is therefore respectfully requested.

New Claims

New claims 17-21 patentably distinguish over the cited references for at least the reasons stated above.
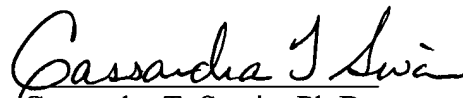
CONCLUSION

The claims are allowable.

The Examiner is invited to contact the undersigned to discuss any matter regarding this application.

The Office is authorized to charge any fees or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

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Cassandra T. Swain, Ph.D.
Reg. No. 48,361

Kenyon & Kenyon
1500 K Street, NW
Washington, DC 20005
(202) 220-4200 tel
(202) 220-4201 fax